

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of August 29, 2006.

Reconsideration of the Application is requested.

The Office Action

Claims 1-20 and 22-27 remain in the application.

Claims 1-27 stand rejected under 35 U.S.C §103(a) as being unpatentable over Vishwanath (US Patent Application Publication 20050149759) in view of Naim (US Patent No. 6,779, 115).

Claims 21 and 28-32 have been cancelled.

Claims Distinguish over Cited Prior Art

Claim 1 calls for among other elements: generating a message associated with at least part of a distinguishing number for the token. Vishwanath is not concerned with generating a message. Naim describes generating and sending of the messages between the vendor and the customer. The messages from the vendor are generated by using the customer's public key. The messages can be decoded by the use of the customer's private key. (Column 10, lines 44-49.) Therefore, the message generated by the vendor might include the information contained in the customer's public and/or private key. The public/private keys are part of the well known PKI used for encryption and do not correspond to the claimed distinguishing number. As recited in claim 1, the generated message is associated in part with a distinguishing number of the token. Such distinguishing token number is different from the customer's public or private key. As the claims must be interpreted in the light of specification, please refer to ¶57 of the specification that describes the distinguishing token number, while ¶50 describes the private key. For example, the distinguishing number can be assigned to the token by the manufacturer. Once the distinguishing number is assigned to the token, it stays with the token. Such permanently assigned token identification number is neither described nor suggested by Vishwanath or Naim, taken singularly or in combination. If anything, the private key described in Naim corresponds to the claimed private key, and not the distinguishing token number. Therefore,

claim 1 and dependent claims 2-3 distinguish patentably and unobviously over Vishwanath and Naim.

For clarification purposes **claim 4** was amended to recite the portable token including a unique distinguishing number. The arguments above in relation to claim 1 are equally applicable here. Because neither Vishwanath nor Naim, taken singularly or in combination, describes or suggests at least a token having a unique distinguishing number used in generating a message, **claim 4 and dependent claims 5-13** distinguish patentably and unobviously over Vishwanath and Naim.

Claim 14 was amended to include the elements of now cancelled claim 21. Therefore, Applicants submit that the amended claim 14 does not require additional search or examination and respectfully request Examiner's reconsideration. **Claim 14** calls for among other elements: including in the message a data identification number. Vishwanath is not concerned with generating a message. Naim describes generating and sending of the messages between the customer and the vendor. The messages from the vendor are generated by using the customer's public key. The messages can be decoded by the use of the customer's private key. (Column 10, lines 44-49.) Upon cursory review, Applicants did not find description of including in the message generated by the vendor a data identification number. If the Examiner maintains this rejection, the Applicants respectfully ask the Examiner to point out exactly where in Naim such limitation is described. Additionally, the arguments above regarding claim 1 are equally applicable here. Neither Vishwanath nor Naim, taken singularly or in combination, discloses or suggests, among other things, including in the message associated with the data sent from the vendor (1) a distinguishing number of the token and (2) a data identification number. Therefore, **claim 14 and dependent claims 15-20 and 22** distinguish patentably and unobviously over Vishwanath and Naim.

Claim 23 calls for among other elements: reading a distinguishing number from the token. The arguments above regarding claim 1 are equally applicable here. Neither Vishwanath nor Naim, taken singularly or in combination, discloses or suggests at least reading a distinguishing number

from the token. Therefore, **claim 23 and dependent claims 24-27** distinguish patentably and unobviously over Vishwanath and Naim.

CONCLUSION

For the reasons detailed above, it is submitted that all claims remaining in the application **(claims 1-20 and 22-27)** are in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

No additional fee is believed to be due for this Amendment. However, the undersigned attorney of record hereby authorizes charging of any necessary fees, other than the issue fee, to the Deposit Account No. 22-0261.

If the Examiner finds a personal contact advantageous to the disposition of this case, the Examiner is invited to call Jeff Kaminski, at telephone number 202-344-4048.

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Respectfully submitted,

By


James R. Burdett

Registration No.: 31,594

Jeffri A. Kaminski

Registration No.: 42,709

VENABLE LLP

P.O. Box 34385

Washington, DC 20043-9998

(202) 344-4000

(202) 344-8300 (Fax)